

**Town Council Minutes  
Morehead City, North Carolina**

**Tuesday, October 16, 2012, at 5:30 p.m.  
Special Meeting/Work Session**

The Honorable Council of the Town of Morehead City met at a Special Meeting/Work Session on Tuesday, October 15, 2012, at 5:30 p.m., at the Recreation Center located at 1600 Fisher Street, Morehead City, North Carolina. The purpose of the meeting was a review of the proposed License Agreement for Use of Big Rock Stadium between the City and the Morehead Marlins and the proposed Sport Complex Use Policy. Those in attendance were:

MAYOR:	Gerald A. Jones, Jr.
MAYOR PRO TEM:	Harvey N. Walker, Jr.
COUNCIL:	George W. Ballou
	William F. Taylor
	Demus L. Thompson
	Diane C. Warrender
CITY MANAGER:	David S. Whitlow
CITY ATTORNEY:	Derek Taylor
CITY CLERK:	Jeanne M. Giblin
OTHERS:	Craig Lands, Recreation Director; Bob Kirk; Craig K.

Hassler; Kirk Peterson; Pete Bock, Owner of Coastal Plains League; Buddy Bengel, Morehead Marlins Manager; Mark Hibbs, Reporter, THE CARTERET NEWS TIMES; Vince Martin and several others

Mayor Jones opened the meeting at 5:30 p.m. and introduced Pete Bock, owner of the Coastal Plains League and Buddy Bengel, Manager of the Morehead Marlins.

City Manager David Whitlow reported that he reviewed the background information and met with City Attorney Derek Taylor to review all the issues regarding an agreement with Morehead City and the Morehead Marlins. He recommended that the Council deal with the proposed Sport Complex Use Policy as a separate entity. He reported that the Council had received copies of the draft agreement. The purpose of the meeting was to receive Council comments on the Morehead Marlin draft contract. The proposed contract includes promotional events held before and during a game, but does not address any event such as a fireworks display or a free-standing special event. The contract addresses events related directly to baseball games.

Mayor Gerald Jones opened the meeting to questions from those in attendance.

Craig Hassler of 1904 Arendell Street, Morehead City, spoke about a baseball stadium in Pennsylvania he visited this past summer and the ease of commuting there by bicycle.

Bob Kirk representing American Legion Baseball, stated he was concerned about the status of American Legion Baseball at O'Neal Field. He commented that American Legion Baseball has lost some of their financial support and general support for the team since the Morehead Marlins began to play at O'Neal Field. He continued that in his estimation, all effort have been made for the Morehead Marlins and that half of American Legion games have to be played someplace else because of scheduling conflicts. He continued that American Legion Baseball also has a difficult time acquiring advertising dollars. He was of the opinion that there was not equitable use of the field and support for American Legion Baseball. During the American Legion State Tournament the Marlins have complete control over the stadium and field.

City Manager David Whitlow recommended reviewing the contract page by page and commented that on page 2, paragraph 5, of the agreement, the word "special events" should be deleted. Tournaments are not included in this proposed contract.

Councilwoman Diane Warrender spoke about the possibility of games going past 11:00 p.m.

Recreation Director Craig Lands mentioned that many times League rules come into play when games run overtime.

Councilman George Ballou agreed that the PA system and/or music needed to be silenced at late night games.

Morehead Marlins Manager Buddy Bengel stated that the Morehead Marlins have always tried to conclude late use of the field and have turned off the PA system during those times. The only noise would be from the crowd. The lights have been zoned this past season which allows for different areas to be illuminated at specific times.

The Council discussed the initial commencement of the proposed agreement and the Morehead Marlin schedule as well as the American Legion schedule.

With regard to the initial start of the agreement, Buddy Bengel requested accessibility to the park for maintenance issues prior to the start of the baseball season.

City Attorney Derek Taylor agreed that a beginning date as well as an ending date of facility use was a necessity for each calendar year of the contract. May 15, 2013 was proposed for the start of the Morehead Marlins agreement.

The Council discussed ALE [Alcoholic Law Enforcement] and the use of the stadium and field for possible prohibitions which may come into play with certain changes to the Morehead Marlins agreement.

The Fee Schedule on page 3 was discussed. City Manager David Whitlow reported that Finance Director Ellen Sewell and prior City Manager Randy Martin did a cost analysis which showed that the figure of \$13,315.99 was the 2011 cost to the City for the Morehead Marlins use of the facilities. The proposed figure documented in the Morehead Marlins agreement is based on a flat fee. The cost for maintaining and operating the facilities is approximately \$50,000 per year. He reminded the Council that there is a cost to operate the facilities even if the Morehead Marlins are not using them. He continued that the economic impact and quality of life issues were also taken into consideration. Morehead City provides many facilities to the public for which the City obtains no direct fees.

Upon a question, Morehead Marlins Manager Buddy Bengel stated that the Community in Schools Organization maintains and runs the “beer garden” for which they are allowed to keep their tips and a Morehead Marlins donation of \$10,000.

The Council discussed the selling of alcoholic beverages by other organizations. City Attorney Derek Taylor reported on the prohibition, law and wiles of ALE.

Coastal Plains League Owner Pete Bock spoke of the necessity for working out a mutual agreement for page 4 of the agreement referencing cancellation and termination of games. The Council discussed that it was understood that the City Manager could make the decision to cancel a game after the decision of the Recreation Director and there would be an appeal process. It was also understood that many times the decision was a mutual process between the City and the Morehead Marlins. It was also understood that Morehead Marlin security would not be present at the baseball camps.

Recreation Director Craig Lands commented that the City has had a problem with trash cleanup within the facilities, the parking lot and trails, and recommended that a time of 9:00 a.m. the morning following a game be stated for cleanup completion.

Coastal Plains League Owner Pete Bock commented that they will start the cleanup process during the last portion of the games. He also addressed the concern that if the City were to damage the tarpaulin, the City would be responsible for repairs, if others are responsible for damage, they also would be responsible for repairs; in other words, whoever breaks any equipment, replaces it within a usual time period.

On page 7 with regard to indemnity, the City would be named as an additional insured with policies mailed to the City Attorney.

The Council discussed the problems with concessions during American Legion games where there was inadequate staffing and also the management of the division of the food products. Having adequate manpower to run the concessions is a problem for the American

Legion, and the practice has been to have the Morehead Marlins run the concessions, however, the American Legion wants to have access to the concession stands.

Councilman Thompson offered that perhaps it would be more practical for the American Legion to acquire a food wagon to sell products.

On page 10 the American Legion would like to have space available along the outfield fence for advertising.

Recreation Director Craig Lands explained the positioning of a sign saying “American Legion Baseball, Welcome to Puck O’Neal Field” or something with the City seal.

Discussion centered on American Legion Baseball being able to sell advertising space along the backfield fence.

Upon a question, Mayor Gerald Jones explained that the Morehead Marlins pay for the use of the facilities while American Legion Baseball does not.

Morehead Marlins Manager Buddy Bengel commented on the poor condition of the outfield outside fence and that perhaps more signs could be placed there.

Councilman Demus Thompson commented that although he had concerns about American Legion Baseball and their use of the facilities, the Morehead Marlins have done a terrific job and he appreciated the efforts of Morehead Marlins Manager Buddy Bengel.

Councilman Harvey Walker acknowledged the same.

Councilwoman Diane Warrender, speaking on behalf of the Carteret County Chamber of Commerce, stated that the Morehead Marlins have made an impact on Carteret County and that people are excited about the baseball games.

There being no further business, the meeting was adjourned at 7:30 p.m. The Council will consider the proposed Sport Complex Use Policy at another time.

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Gerald A. Jones, Jr., Mayor

Attest:

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Jeanne M. Giblin, City Clerk